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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,544	08/29/2001	Joun Ho Lee	8733.497.00	4753

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EXAMINER

RAO, SHRINIVAS H

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/940,544	LEE, JOUN HO	
	Examiner	Art Unit	
	Steven H. Rao	2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 12-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \*   c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of paper submitted under 35 U.S.C. 119(a)-(d) claiming priority from Korean Patent Application No. 2000-50773 filed on 30 august 2000, which papers have been placed of record in the file.

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 to 11 drawn to a LCD display device, classified in class 349, subclass 54.
- II. Claims 12 to 19, drawn to a method of making a LCD device, classified in class 438, subclass 345.

Inventions Group I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)).

In the instant case the product as claimed could be made by another and materially different process namely without forming the passivation layer recited in claim 12 .

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Ms. Rebea Rudik on 04/22/03 and 4/24/03 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-11

. Applicant in replying to this Office action must make affirmation of this election.

Claims 12 –19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Information Disclosure Statement***

Acknowledgment is made of receipt of Applicant's Information Disclosure Statement (PTO-1449) filed on October 04, 2001.

The references on PTO 1499 submitted on 10/04/01 are acknowledged. All the cited references have been considered. However the foreign patents and documents cited by applicant are considered to the extent that could be understood from the abstract and drawings.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

3A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 to 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokoyama et al. (U. S. Patent No. 6,144,435, herein after Yokoyama).

With respect to claim 1 Yokoyama describes an in-plane switching mode liquid crystal display device comprising: first and second substrates (Yokoyama et al. fig. 3 1a and b, col. 6 line 32); a liquid crystal layer between the first and second substrates (Yokoyama fig.3 # 13, col. 6 line 41); gate and data lines arranged to cross each other on the first substrate; ( Yokoyama figs. 8 to 10) a plurality of common electrodes and data electrodes for applying an electric field parallel to the first substrate within a pixel region defined by the gate and data lines (Yokoyama figure 3 ,6,7 etc. , col. 6 line 37) ; and at least one dummy pattern overlapping at least one portion of the data lines.( Yokoyama fig. 13 A # 41, col.11 line 6).

The recitation, " for applying an electric field parallel to the first substrate within a pixel region defined by the gate and data lines is taken to a product by process limitation and not given patentable weight.

With respect to claim 2 Yokoyama describes the device as claimed in claim 1, further comprising a gate insulating film between the data line and the dummy pattern. ( Yokoyama figure 3 # 5, col. 9 lines 20-27).

With respect to claim 3, Yokoyama describes the device as claimed in claim 1, wherein the dummy pattern overlaps first and second portions of the data line. ( Yokoyama fig. 13 A ).

With respect to claim 4 Yakoyama describes the device as claimed in claim 1, wherein the dummy pattern is integral with at least one of the common electrodes.( Yakoyama fig. 13 A # 41 ,31).

With respect to claim 5 Yokoyama describes the device as claimed in claim 1, wherein the dummy pattern includes a material the same as that of the common electrode. (Yokoyama col.10 lines 6-7).

With respect to claims 6 and 7 Yokoyama describes the device as claimed in claim 1, wherein the dummy pattern includes a transparent conductive material. (Yokoyama col. 10 lines 6-7 and col. 9 lines 36-37-ITO).

With respect to claim 8 Yokoyama describes the device as claimed in claim 1, further comprising a common line in parallel to the gate lines. (Yokoyama fig. 13 A)

With respect to claim 9 Yokoyama describes the device as claimed in claim 8, wherein the common line is electrically connected with the plurality of common electrodes. (Yokoyama figure 27).

With respect to claim 10 Yokoyama describes the device as claimed in claim 1, wherein the data line being overlapped portion of the dummy pattern is electrically connected with the dummy pattern. (Yokoyama col. 5 lines 1-6).

With respect to claim 11 Yokoyama describes the device as claimed in claim 4, wherein a portion of at least one of the common electrodes integral with the dummy pattern is electrically insulated from the common line. (Yokoyama figure 29).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H. Rao whose telephone number is (703) 3065945. The examiner can normally be reached on 8.00 to 5.00.

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The fax phone numbers for the organization where this application or proceeding is assigned are (703) 7463926 for regular communications and (703) 872-9319 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 3067722.



Steven H. Rao

Patent Examiner

April 30, 2003.



LONG PHAM  
PRIMARY EXAMINER